



May 15, 2018

**FILED ELECTRONICALLY**

The Honorable Jocelyn G. Boyd  
Chief Clerk

**South Carolina Public Service Commission**

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Columbia SC 29211

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RE: Application of Peak Tower, LLC for a Certificate of Public Convenience and Necessity to Provide Resold and Facilities-Based Local Exchange, Exchange Access and Interexchange Telecommunications Services in the State of South Carolina, and For Alternative and Flexible Regulation, **Docket No. 2018-113-C**

Dear Jocelyn:

On behalf of the Applicant, please find the Direct Testimony of Richard A. Saffir for filing.

The Applicant requests that the Commission accept the Direct Testimony and grant Applicant a one-day extension for filing same. If the other parties desire a similar extension of time to file testimony, the Applicant would willingly grant same.

I have also provided a proposed Hearing Examiner/Officer Directive granting the Extension.

With kind regards, I am

Yours truly,

s/ John J. Pringle, Jr.

John J. Pringle, Jr.

cc: Lessie Hammonds, Esq. (via electronic mail service)  
Adam Bowser, Esq. (via electronic mail service)

**BEFORE THE  
PUBLIC SERVICE COMMISSION  
OF SOUTH CAROLINA  
DOCKET NO. 2018-113-C**

Application of )  
 )  
**Peak Tower, LLC** )  
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for a Certificate of Public Convenience )  
and Necessity to Provide Resold and )  
Facilities-Based Local Exchange, )  
Exchange Access and Interexchange )  
Telecommunications Services in the State )  
of South Carolina, and For Alternative )  
and Flexible Regulation )

**TESTIMONY OF RICHARD A. SAFFIR**

1 **Q. Please state your name, business address and title.**

2 A. My name is Richard A. Saffir, and my business address is 591 Lytton Avenue, Palo Alto,  
3 CA 94301. I am a Managing Member and also serve as the Vice President –  
4 Legal/Tax/HR of Peak Tower, LLC (“Peak Tower”), the Applicant in the above-  
5 captioned matter.

6 **Q. Please state your qualifications.**

7 A. In my role as Managing Member and Vice President – Legal/Tax/HR for Peak Tower, I  
8 have personal knowledge of the telecommunications services provided by Peak Tower,  
9 Peak Tower’s equipment and network, and of its legal and regulatory status. A summary  
10 of my professional experience is attached to the Application in this Docket as part of  
11 **Exhibit C** thereto. In my role as Managing Member and also serve as the Vice President  
12 – Legal/Tax/HR, I oversee the legal aspects involved with Peak Tower’s business.

13 **Q. What is the purpose of your testimony?**

1 A. The purpose of my testimony is to present evidence describing the technical, managerial,  
2 and financial fitness of Peak Tower to provide resold and facilities-based local exchange  
3 and interexchange telecommunications service within the State of South Carolina. This  
4 testimony will also describe the service to be provided by Peak Tower. Finally, my  
5 testimony will show that the public interest will be served by the approval of Peak  
6 Tower's Application.

7 **Q. Are all of the statements in Peak Tower's Application correct and true to the best of**  
8 **your knowledge, information and belief?**

9 A. Yes.

10 **Q. Do you wish to incorporate by reference any documents into this testimony?**

11 A. Yes. I wish to incorporate, by reference, Peak Tower's underlying Application filed in  
12 this proceeding and its associated exhibits.

13 **Q. Do you ratify and confirm the statements and representations made in that**  
14 **Application and all Exhibits attached thereto?**

15 A. Yes.

16 **Q. Has Peak Tower registered to do business in South Carolina?**

17 A. Yes. Peak Tower received foreign limited liability corporation authority in South  
18 Carolina on March 27, 2018. A copy of the Certificate of Authority issued by the South  
19 Carolina Secretary of State was attached to Peak Tower's Application in this Docket.

20 **Q. Has anything occurred since the Application of Peak Tower was filed that**  
21 **materially changes the representations therein?**

22 A. No.

1 **Q. Does Peak Tower have the requisite managerial, technical and financial abilities to**  
2 **provide the services for which it applied?**

3 A. Yes.

4 **Q. Please describe Applicant's financial abilities.**

5 A. As demonstrated in the financial documents submitted as Exhibit B to Peak Tower's  
6 Application, Peak Tower is generating sufficient income to cover its expenses and costs  
7 of operations. Peak Tower has sufficient capital on hand to commence operations in the  
8 State of South Carolina and has access to additional capital as may be needed to sustain  
9 future growth and expansion. Peak Tower's business plan calls for the Company to  
10 provide its transport and telecommunication services based upon direct customer  
11 demand. Under this plan, revenue from customers will be readily identified prior to any  
12 extensive outlay of capital.

13 **Q. Please describe the technical and managerial qualifications of Peak Tower.**

14 A. Peak Tower's management team includes individuals with substantive experience in  
15 successfully developing and operating telecommunications businesses. Consequentially,  
16 the Company has the adequate internal technical resources to support its South Carolina  
17 operations. Specific details of the business and technical experience of Peak Tower's  
18 officers and management personnel were attached to the Application as Exhibit C.

19 **Q. What services will Peak Tower offer?**

20 A. Peak Tower principally proposes to offer facilities based local exchange  
21 telecommunications services to carrier customers throughout the State of South Carolina.  
22 Specifically, Peak Tower expects to offer wholesale transport and backhaul services to  
23 wireless carriers and other service providers. Peak Tower will provide such services

1 using optical technology connecting customer-provided wireless capacity equipment to  
2 customer or Peak Tower-provided bi-directional radio frequency to optical conversion  
3 equipment. All services will be available twenty-four hours a day and seven days a week.  
4 Applicant will begin offering service if this Application is granted.

5 **Q. Does Peak Tower intend to offer prepaid debit card services or retail residential**  
6 **local exchange services in South Carolina?**

7 A. Not at this time. Peak Tower is aware of the Commission's \$5,000 bond or certificate of  
8 deposit requirement associated with prepaid debit card services, as well as the bond  
9 requirements of S.C. Code Ann. Regs. 103-607, and will file any such required  
10 instrument with the Commission should Peak Tower decide to offer these services in the  
11 future.

12 **Q. How will Applicant bill for its services?**

13 A. Peak Tower's customers will be billed according to individual case basis contracts  
14 negotiated with each customer. Peak Tower's customers typically are providers of retail  
15 wireless telecommunications services (also known as Commercial Mobile Radio Services  
16 "CMRS" providers, cellular, or Personal Communications Services "PSC" providers).

17 **Q. Does Peak Tower have offices in South Carolina?**

18 A. No. Peak Tower does not intend to have offices in South Carolina at this time.  
19 Accordingly, the Company requests, pursuant to Rule 103-610, that the Commission  
20 allow it to keep all applicable books and records at its offices in California. In the event  
21 that the Commission Staff or the South Carolina Office of Regulatory Staff (ORS) should  
22 desire to inspect such books and records, Peak Tower will provide access expeditiously at  
23 its own expense.

1 **Q. By what method will Peak Tower keep its financial records?**

2 A. Peak Tower uses Generally Accepted Accounting Principles (“GAAP”). To the extent  
3 that the Commission’s Rules require the use of the Uniform System of Accounts  
4 (“USOA”), Peak Tower requests a waiver in order that GAAP be allowed.

5 **Q. How will Peak Tower market its services?**

6 A. Peak Tower will market its services through an affiliate’s sales team that focuses on  
7 government and carrier markets. As stated above, Peak Tower’s customers typically are  
8 carrier’s or “carrier’s carriers” that provide retail wireless telecommunications services.

9 **Q. Has Peak Tower obtained authority to provide its services in any other states?**

10 A. Yes. Peak Tower is currently authorized to provide service in North Carolina.

11 **Q. Please describe the proposed tariff filed by Peak Tower.**

12 A. Peak Tower filed as Exhibit D of its Application its proposed tariff. The tariff contains  
13 the applicable rules and regulations for the provision of such service. I believe that Peak  
14 Tower’s tariff will comport with all applicable Commission Rules and Orders, and Peak  
15 Tower agrees to make all changes suggested by the ORS that may be necessary to  
16 comply with applicable authority.

17 **Q. Will granting a Certificate serve the public interest of South Carolina consumers?**

18 A. A decision by the Commission to grant Peak Tower authority to provide local exchange  
19 and interexchange telecommunications service is in the public interest. The public  
20 interest will be served by expanding the availability of competitive telecommunications  
21 services and enhanced telecommunications infrastructure in the State of South Carolina,  
22 thereby facilitating economic development. Authorizing Peak Tower to enter the  
23 telecommunications service market will increase the competitive choices available, and

1 in turn create incentives for all carriers to lower prices, provide new and better quality  
2 services, and be more responsive to customer issues and demands.

3 **Q. Who is knowledgeable about Peak Tower's operations and will serve as the**  
4 **Commission's/ORS's regulatory and customer service contact?**

5 A. All ongoing compliance matters should be directed to my attention at the address above.  
6 Customer complaint and billing matters should also be directed to my attention at the  
7 address set forth above.

8 **Q. What regulatory treatment has Peak Tower sought in connection with this Docket?**

9 A. Peak Tower requests flexible regulation for any future local exchange  
10 telecommunications services as the Commission first granted in Order No. 98-165 in  
11 Docket No. 97-467-C. In addition, Peak Tower requests that all of its future  
12 interexchange switched business service offerings be regulated pursuant to the procedures  
13 described and set out in Commission Order Nos. 95-1734 and 96-55 in Docket No. 95-  
14 661-C, as modified by Commission Order No. 2001-997 in Docket No. 2000-407-C. It is  
15 Peak Tower's intent by this request to have its business services regulated in the same  
16 manner as this Commission has permitted for AT&T Communications of the Southern  
17 States, Inc. ("AT&T").

18 **Q. Will Peak Tower comply with all of the applicable rules, regulations and orders of**  
19 **the Commission?**

20 A. Yes.

21 **Q. Does this conclude your testimony?**

22 A. Yes.

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**CERTIFICATE OF SERVICE**

This is to certify that I have caused to be served this day the **Direct Testimony of Richard A. Saffir** via electronic mail service as follows:

C. Lessie Hammonds  
[lhammon@regstaff.sc.gov](mailto:lhammon@regstaff.sc.gov)

Margaret M. Fox  
M. John Bowen, Jr.  
[pfox@mcnair.net](mailto:pfox@mcnair.net)  
[jbowen@mcnair.net](mailto:jbowen@mcnair.net)

s/John J. Pringle, Jr.

May 15, 2018  
Columbia, South Carolina